



Rep. Michael J. Zalewski

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09800SB2801ham001

LRB098 17630 MRW 59473 a

1 AMENDMENT TO SENATE BILL 2801

2 AMENDMENT NO. _____. Amend Senate Bill 2801 as follows:

3 on page 1, line 5, by inserting "104-15," after "Sections"; and

4 on page 1, immediately below line 6, by inserting the
5 following:

6 "(725 ILCS 5/104-15) (from Ch. 38, par. 104-15)

7 Sec. 104-15. Report.† (a) The person or persons conducting
8 an examination of the defendant, pursuant to paragraph (a) or
9 (b) of Section 104-13 shall submit a written report to the
10 court, the State, and the defense within 30 days of the date of
11 the order. The report shall include:

12 (1) A diagnosis and an explanation as to how it was reached
13 and the facts upon which it is based;

14 (2) A description of the defendant's mental or physical
15 disability, if any; its severity; and an opinion as to whether

1 and to what extent it impairs the defendant's ability to
2 understand the nature and purpose of the proceedings against
3 him or to assist in his defense, or both.

4 (b) If the report indicates that the defendant is not fit
5 to stand trial or to plead because of a disability, the report
6 shall include an opinion as to the likelihood of the defendant
7 attaining fitness within one year if provided with a course of
8 treatment. If the person or persons preparing the report are
9 unable to form such an opinion, the report shall state the
10 reasons therefor. The report may include a general description
11 of the type of treatment needed and of the least physically
12 restrictive form of treatment therapeutically appropriate.

13 (c) The report shall indicate what information, if any,
14 contained therein may be harmful to the mental condition of the
15 defendant if made known to him.

16 (d) In addition to the report, a person retained by the
17 State or the defense to conduct an examination shall, upon
18 written request, make his or her notes, other evaluations
19 reviewed or relied upon by the testifying witness, and any
20 videotaped interviews available to another examiner of the
21 defendant. All forensic interviews conducted by a person
22 retained by the State or the defense shall be videotaped unless
23 doing so would be impractical. In the event that the interview
24 is not videotaped, the examiner may still testify as to the
25 person's fitness and the court may only consider the lack of
26 compliance in according the weight and not the admissibility of

1 the expert testimony. An examiner may use these materials as
2 part of his or her diagnosis and explanation but shall not
3 otherwise disclose the contents, including at a hearing before
4 the court, except as otherwise provided in Section 104-14 of
5 this Code.

6 (Source: P.A. 81-1217.)"; and

7 on page 26, by replacing lines 23 and 24 with the following:

8 "Section 99. Effective date. This Act takes effect upon
9 becoming law, except that the changes to Section 104-15 of the
10 Code of Criminal Procedure of 1963 take effect on January 1,
11 2015."